



CAPTION

Allan Myers, L.P.,  
Petitioner  
v.  
Department of Transportation,  
Respondent

CASE INFORMATION

Initiating Document: Petition for Review  
Case Status: Active  
Case Processing Status: February 12, 2019 Awaiting Answer  
Journal Number: 50-10-2018  
Case Category: Administrative Agency Case Type(s): Transportation, Department of

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Allan Myers, L.P.

Pro Se: No

IFP Status:

Attorney: Ficken, Bruce William  
Law Firm: Cozen O'Connor  
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Fax No:

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Law Firm: Cozen O'Connor  
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## COUNSEL INFORMATION

## Respondent Department of Transportation

Pro Se:

No

IFP Status:

Attorney: Sharp, Jason D.  
 Law Firm: Pennsylvania Department of Transportation  
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Attorney: Davis, Jeffrey W.  
 Law Firm: Pennsylvania Department of Transportation  
 Address: PA Dept of Transportation  
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 Harrisburg, PA 17101  
 Phone No: (717) 787-5804 Fax No: (717) 772-2741

Attorney: Wolgemuth, Jason Michael  
 Law Firm: Commonwealth of Pennsylvania  
 Address: PA Dept of Transportatio  
 400 North St Fl 9  
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## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
03/13/2018	Petition for Review - Appellate	90.25	03/14/2018	2018-CMW-H-000605	90.25
10/21/2022	Copy Work (Per Page)	43.50	10/21/2022	2022-CMW-H-001979	43.50

## AGENCY/TRIAL COURT INFORMATION

Order Appealed From: February 26, 2018 Notice of Appeal Filed:  
 Order Type: Decision  
 Documents Received: March 13, 2018

Court Below:

County: Division:  
 Judge: OTN:  
 Docket Number: 082 A.D. 2017 Judicial District:

Court Below:

County: Division:  
 Judge: OTN:  
 Docket Number: ECMS NO. 80021 Montgomery County Judicial District:

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Agency Record	April 13, 2018	

Date of Remand of Record:

## BRIEFING SCHEDULE

Petitioner

Respondent

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## BRIEFING SCHEDULE

<b>Petitioner</b>		<b>Respondent</b>	
<b>Allan Myers, L.P.</b>		<b>Department of Transportation</b>	
<b>Brief</b>		<b>Brief</b>	
Due: May 21, 2018	Filed: May 21, 2018	Due: June 20, 2018	Filed: June 20, 2018
<b>Reply Brief</b>			
Due: July 20, 2018	Filed: July 20, 2018		
<b>Reproduced Record</b>			
Due: May 21, 2018	Filed: May 21, 2018		

## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>March 13, 2018</b>	Petition for Review Filed Allan Myers, L.P.		Petitioner	
<b>March 15, 2018</b>	Entry of Appearance Davis, Jeffrey W.	Department of Transportation	Respondent	
<b>March 15, 2018</b>	Entry of Appearance Wolgemuth, Jason Michael	Department of Transportation	Respondent	
<b>March 15, 2018</b>	Application for Stay Ficken, Bruce William DeLuca, Raymond Kwartnik, James Martin, Jr.	Allan Myers, L.P. Allan Myers, L.P. Allan Myers, L.P.	Petitioner Petitioner Petitioner	
	Document Name: Application for Stay of Procurement Pending Appeal			
<b>March 16, 2018</b>	Notice Exited Commonwealth Court of Pennsylvania			03/16/2018
<b>March 16, 2018</b>	Notice Exited Commonwealth Court Filing Office			03/16/2018
	Document Name: Corrected			
<b>March 19, 2018</b>	Hearing Scheduled Pellegrini, Dan			03/20/2018
	Document Name: Upon consideration of petitioner's application for stay of procurement pending appeal, hearing is			
	Comment: scheduled for April 16, 2018 at 1:30 p.m., in Courtroom 3001, Third Floor, Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania. Respondent's answer shall be filed and served on or before April 2, 2018. This matter will be heard seriatim with J.D. Eckman, Inc., v. Department of Transportation, Docket No. 313 CD. 2018.			
<b>March 23, 2018</b>	Answer to Application for Stay Davis, Jeffrey W. Wolgemuth, Jason Michael	Department of Transportation Department of Transportation	Respondent Respondent	
	Document Name: Respondent's Answer to Petitioner's "Application for Stay of Procurement Pending Appeal"			

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>April 2, 2018</b>	Application for Relief Ficken, Bruce William DeLuca, Raymond Kwartnik, James Martin, Jr.	Allan Myers, L.P. Allan Myers, L.P. Allan Myers, L.P.	Petitioner Petitioner Petitioner	
	Document Name: Petitioner's Motion to Attach Verification to Application to Stay			
<b>April 11, 2018</b>	Order Filed Per Curiam			04/11/2018
	Document Name: The hearings scheduled for April 16, 2018, are changed to oral argument on the respective Comment: applications. In all other respects, the separate orders of March 19, 2018, in these matters remain in full force and effect.			
<b>April 13, 2018</b>	Agency Record Received Department of Transportation			
<b>April 19, 2018</b>	Memorandum and Order Brobson, P. Kevin			04/19/2018
	Document Name: Memorandum and Order (5 pages) : Following a hearing on separate applications for special relief in Comment: the nature of a request for a stay and a request for expedited consideration filed by petitioner J.D. Eckman, Inc. (Eckman) and Allan Myers, L.P ., and respondent Department of Transportation's (Department) answers thereto, it is hereby ordered that the applications are GRANTED, in part, and DENIED, in part. The applications are GRANTED to the extent that they request the Court to expedite the disposition of the above-captioned appeals. Petitioners each shall file a reproduced record (4 copies) and briefs in support of their appeals (4 copies) on or before May 21, 2018. Respondents shall file its briefs in opposition (4 copies) on or before June 20, 2018. Petitioners shall file reply briefs (4 copies), if any, on or before July 5, 2018. The Chief Clerk is directed to list this matter for the September 2018 oral argument in Harrisburg.			
<b>May 21, 2018</b>	Tentative Session Date Krimmel, Michael			
	Document Name: September 2018 (Harrisburg)			
<b>May 21, 2018</b>	Petitioner's Reproduced Record Filed Ficken, Bruce William	Allan Myers, L.P.	Petitioner	
<b>May 21, 2018</b>	Petitioner's Brief Filed Ficken, Bruce William	Allan Myers, L.P.	Petitioner	
<b>June 20, 2018</b>	Respondent's Brief Filed Davis, Jeffrey W.	Department of Transportation	Respondent	
<b>June 27, 2018</b>	Application for Extension of Time to File Reply Brief Ficken, Bruce William	Allan Myers, L.P.	Petitioner	
<b>June 28, 2018</b>	Order Granting Application for Extension of Time to File Petitioner Paperbook Simpson, Robert E.			06/29/2018
	Document Name: Petitioner's reply brief shall be filed and served by 7/20/18.			
<b>July 20, 2018</b>	Petitioner's Reply Brief Filed Ficken, Bruce William	Allan Myers, L.P.	Petitioner	

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>July 31, 2018</b>	Argument Scheduled Krimmel, Michael			07/31/2018
	Document Name: WEDNESDAY, September 12, 2018 at 1:00 P.M. Before a Panel of Judges sitting in Courtroom 5001 Comment: PA Judicial Center, 601 Commonwealth Avenue, Harrisburg, Pennsylvania. No. 2 ON THE LIST.			
<b>August 6, 2018</b>	Order Filed Per Curiam			08/06/2018
	Document Name: Argument in the above-captioned matter, currently scheduled for Wednesday, September 12, 2018, Comment: at 1:00 p.m. in Harrisburg is CANCELLED. The Chief Clerk is directed to list this matter for oral argument before the court en banc on the October 2018 Argument List in Pittsburgh.			
<b>August 7, 2018</b>	Tentative Session Date Krimmel, Michael			
	Document Name: October 2018 (Pittsburgh)			
<b>September 6, 2018</b>	Argument Scheduled Krimmel, Michael			09/06/2018
	Document Name: WEDNESDAY, October 17, 2018 at 9:30 A.M., Before the Court En Banc sitting in the Comment: Supreme Court Room Eighth Floor, City-County Building, Pittsburgh, Pennsylvania. No. 50 ON THE LIST.			
<b>September 6, 2018</b>	Order Filed Per Curiam			09/07/2018
	Document Name: The above-captioned matters (313 and 314 CD 2018) are listed seriatim for oral argument before Comment: the Court sitting en banc on October 17, 2018. Forty minutes total argument time has been set aside for these matters. Each Petitioner shall have ten minutes to argue its respective appeal, and Respondent shall have twenty minutes to argue both appeals.			
<b>October 8, 2018</b>	Entry of Appearance Ficken, Bruce William Cushing, Kenneth Andrew	Allan Myers, L.P. Allan Myers, L.P.	Petitioner Petitioner	
<b>October 23, 2018</b>	Entry of Appearance Cushing, Kenneth Andrew	Allan Myers, L.P.	Petitioner	
<b>January 11, 2019</b>	Reversed Leavitt, Mary Hannah			01/11/2019
	Document Name: Opinion (19 pages) Comment: The order of the Secretary of Transportation is REVERSED and the DOT's bid solicitation of 12-20-17 is cancelled. Judge Fizzano Cannon did not participate in the decision.			
<b>February 11, 2019</b>	Application for Stay Davis, Jeffrey W. Sharp, Jason D. Wolgemuth, Jason Michael	Department of Transportation Department of Transportation Department of Transportation	Respondent Respondent Respondent	
	Document Name: Respondent's Verified Application for Stay Pending Disposition of Petition for Allowance of Appeal			
<b>February 11, 2019</b>	Petition for Allowance of Appeal to PA Supreme Court Filed Department of Transportation		Respondent	
	Document Name: 95 MAL 2019 Comment: 95 MAL 2019			

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## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>February 25, 2019</b>	Answer to Application for Stay			
	Ficken, Bruce William	Allan Myers, L.P.	Petitioner	
	Cushing, Kenneth Andrew	Allan Myers, L.P.	Petitioner	
	DeLuca, Raymond	Allan Myers, L.P.	Petitioner	
	Kwartnik, James Martin, Jr.	Allan Myers, L.P.	Petitioner	
Document Name: Petitioner's Answer to Respondent's February 11, 2019 Application for Stay				
<b>March 7, 2019</b>	Praecipe to Withdraw			
	Sharp, Jason D.	Department of Transportation	Respondent	
	Davis, Jeffrey W.	Department of Transportation	Respondent	
	Wolgemuth, Jason Michael	Department of Transportation	Respondent	
Document Name: Praecipe to Withdraw Application for Stay				
<b>March 7, 2019</b>	Petition for Allowance of Appeal to PA Supreme Court Discontinued			
	Department of Transportation		Respondent	
Document Name: 95 MAL 2019				
Comment: 95 MAL 2019				

## SESSION INFORMATION

Journal Number: 50-10-2018  
 Consideration Type: En Banc Argument  
 Listed/Submitted Date: October 17, 2018

## Panel Composition:

The Honorable Mary Hannah Leavitt	President Judge
The Honorable Renee Cohn Jubelirer	Judge
The Honorable Robert E. Simpson	Judge
The Honorable P. Kevin Brobson	Judge
The Honorable Patricia A. McCullough	Judge
The Honorable Michael H. Wojcik	Judge
The Honorable Ellen Ceisler	Judge

## DISPOSITION INFORMATION

Final Disposition: Yes

Related Journal No: Judgment Date:

Category: Decided Disposition Author: Leavitt, Mary Hannah

Disposition: Reversed Disposition Date: January 11, 2019

Disposition Comment: The order of the Secretary of Transportation is REVERSED and the DOT's bid solicitation of 12-20-17 is cancelled. Judge Fizzano Cannon did not participate in the decision.

Dispositional Filing: **Opinion** Filing Author: Leavitt, Mary Hannah

Filed Date: 1/11/2019 12:00:00AM